APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,655	12/04/2001	Jim W. Johnston	01CON207P	9653

			EXAMINER
25700	7590	07/06/2006	MATAR, AHMAD

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/004,655	JOHNSTON ET AL.
Office Action Summary	Examiner	Art Unit	
	Jonathan Liou	2663	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). ·
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-14 and 16-37</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1,3,4,6,14,16,17 and 19-22</u> is/are allowed.

6)☒ Claim(s) <u>5,7-13,18 and 23-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12/04/2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's paper filed 10/21/2005. Claims 1, 3-14,

16-37 as amended are currently pending in the application. Applicant has amended

claims 1, 3, 5-7, 9-10, 14, 16, 18-19, 25-26, and cancelled claims 2, 15, and 38-49.

Claims 1, 3-4, 66, 14, 16-17, 19-22 are allowed. Claims 5, 7-13, 15, 23-29, and 30-37

are rejected

Claim Objections

1.   Claim 36 is objected to because of the following informalities: There are two

claim 36s; thus, one of them need to be renumbered. The examiner would assume the

second claim 36 as claim 37 and further examine.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 5 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Applicant specifically amended claims 1 and 14 to

state that the first protocol is different from the second protocol; however, applicant

further claimed in the claims 5 and 18 the first protocol is V.44 and the second protocol

is V.44. Thus, claims 5 and 18 are vague, indefinite, and also contradictory with the

claim invention of claims 1 and 14. The examiner suggest applicant to delete claims 5

and 18 or be more specific on the type protocol of V.44.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 7-8, 11-13, 23-24, 27-29, 30-32, and 35-37 are rejected under 35 U.S.C.

103(a) as being unpatentable over Cave et al. (US Pub No. 2001/0005372.), in view of

Heath (US Pub 2002/0009136.)

6.   As per claims 7 and 30, Cave et al. teach a communication method for use in a

communication system including a first modem, a second modem, and a third modem

(A first modem could b be 210, which connected to PSTN 220. A second modem could

be gateway 224, and a third modem could be gateway 214. See Fig. 2, Cave et al.),

said method comprising the steps of:

Receiving a call from said first modem by said second modem over a telephone

line (a first modem 210 could send the data, which could be a call, to the second

modem 214 over a cable or telephone line. See Fig. 2, Cave et al.)

Contacting said third modem by said second modem over a packet network (See

Fig. 2, Cave et al.)

Receiving information, from said third modem by said second modem, relating to

one or more data compression protocols supported by said third modem (Cave et al.

teach the system could be transmitted from third modem 214 back to packet network

and back to second modem 224. The compression data could be according to G.711 or

G.723 protocols supported by third modem. (See page 3, sec [0017], Cave et al.) -

Cave et al. does not specifically teach handshaking by said second modem with

said first modem to establish a connection, and negotiating a first data compression

protocol by said second modem with said first modem, wherein said first data

compression protocol is according to said information relating to one of said one or

more data compression protocols. However, Heath teaches the connection of

initialization is established between tow modems (See sec [0022], Heath), which would

be the handshaking as claimed. Heather also talk about negotiate the compression

protocol parameters, which is the data of compression protocols (See sec [0027],

[0028], and Table 4-5, Heath.) Therefore, it would have been obvious to one who have

ordinary skill in the art at the time the invention was made to perform handshaking and

negotiation because this would make sure the best fit compression code being used

between two modems. In addition, Heath shows the structure is between two modem

and perform compression and decompression (See Fig. 1, Heath.), and that incorporate

with Cave et al.'s system.

7.   As per claim 31, Cave et al. teach the device could be server (sec [0025], Cave

et al.)

8.   As per claims 8 and 32, Cave et al. teach sending G.711 data format from the

first modem 210 to the second modem 224 (sec [0017], and Fig. 2, Cave et al.) G.711

is an ITU-T standard to represent 8 bit compressed pulse code modulation samples.

Hence, Cave et al. teach sending a first compressed data from first modem by second modem, wherein said first compressed data is compressed according to said first data compression protocol, which could be G.711. The second modem 224 send the first compressed data to the third modem 214 over packet network (Fig. 2, Cave et al.)

9.   As per claims 11 and 35, Heath teaches the information relating to one or more data compression protocols parameters (See sec [0032], Heath.)

10.   As per claims 12 and 36, Heath teaches at least one parameter is a dictionary size (See sec [0020], Heath.)

11.   As per claims 13 and 37, the method of Cave et al., in view of Heath, teach determining that said first data compression protocol, including its parameters, is the same as a second data compression protocol, including its parameters, negotiated between said third modem and a fourth modem (Cave et al. teach the first data compression protocol could be in G.711 or G.723 compressed format, including its parameters, which could be the voice data. Then, Third modern would generate the second data with the protocol, G.711 or G.723. See sec [0017], Cave et al. Since Cave et al. teach the packet compression method could be either in G. 711 or G.723 format, and teach the entire sequence of compression/decompression and translation need to perform if the connection require back to the first modem (sec [0017], Cave et al.); thus, Cave et al. teach determining that said first data compression protocol, including its parameters, is the same as a second data compression protocol, including its parameters because the compression/decompression process have to determine whether the protocols are the same. The fourth modem could be modem 210, which is

coupled to PSTN 202 to the third modem 214 in the Fig. 2 of Cave et al.'s reference.

Following the same rationale as applied to claim 7, the negotiation could occur between

third modem and fourth modem.)

Receiving a first compressed data from said third modem by said second

modem, wherein said first compressed data is compressed according to said first data

compression protocol; and, transmitting said first compressed data to said first modem

by said second modem (Cave et al. teach the data could be sent back from third

modem 214 to 224 and the second modem could compressed the data again according

to the first data compression protocol in order to send through PSTN 220. to first

modem 210, which is coupled to PSTN 220. See Fig. 2 and sec [0017], Cave et al.)

12.   As per claims 23-24 and 27-29, Cave et al., in view of Heath teach a processing

module capable of contacting a second modem over a packet network in response to

said call, and capable of receiving information from said second modem relating to one

or more data compression protocols supported by said second modem (A processing

module could be located in the modem 214, the first modem is the modem 210, and the

second modem could be gateway 224. See Fig. 2, Cave et al.) The same rationale and

basis as applied to claims 7-8 and 11-13 are applied to the remainder of claims 23-24

and 27-29.

13.   Claims 9-10, 25-26, and 33-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cave et al. (US Pub No. 2001/0005372.), in view of Heath (US Pub

2002/0009136.), and further in view of Bruno et al. (US Pat. No. 5,724,355.)

14.   As per claims 9-10, and 33-34, Cave et al. teach the following:

Receiving a second compressed data from said third modem by said second

modem, wherein said second compressed data is compressed according to a second

data compression protocol (Cave et al. teach the modem 214, which could be the third

modem, could send the second compressed data back to the second modem 224.   See

Fig. 2-3, Cave et al. The second compressed data could be compressed according to a

second data compression protocol, which could be G.723, if the first protocol is G. 711,

or vice versa.), which the first protocol is different from the second protocol (Cave et al.

teach data is in G.711 format, gateway 224 may translate the data into G.723

compressed format for transmission over packet network or may leave the data in

G.711 format and not change the compression format for transmission over packet

network. See sec [0017].)

Compressing the compressed data by second modem according to first protocol

(Fig. 2, Cave et al.)

Their method does not explicitly teach decompressing second compressed data

by second modem, compressing second decompressed data to generate a third

compressed data, wherein said third compressed data is compressed by said second

modem according to first protocol. However, Bruno et al. teach

compressor/decompressor could be associated with gateway modem (col 7-8, lines 64-

10, Bruno et al.) If the second modem 224 in Cave et al.'s structure could have

compressor/decompressor, as taught by Bruno, the second modem could decompress

the second compressed data, receiving from the third modem. The compressed data

could be according to the second protocol as taught above, that protocol could be

G.723 if the first protocol is G. 711.   Then, the second modem 224 compressor would

compress the data according to G. 711 in order to transmit to the first modem 210

through PSTN 220 because PSTN 220 could only take G.711 protocol signal. This

would be compressing the second decompressed data to generate a third compressed

data, which is according to the first protocol, and transmit a third compressed data to

the first modem by second modem. Since Cave et al. teach the external device could

connect to other external device, the connection could be reverse (sec [0017, Cave et

al.), it would have been obvious for one who have skill in the art at the time the invention

was made to include the compressor and decompressor in the second modem to

perform compressing and decompressing the second and third compressed data

because the Voice between the modems or phones to have two way transmission and

need to have compressor and decompressor for receiving and transmitting the signal

since both PSTN and Packet network system in Cave et al.'s reference are taking

different protocols .

15.   As per claims 25-26, the modem is capable of receiving a second compressed

data from second modem (the modem 214 could receive a second compressed data

from second modem 214. Fig. 2, Cave et al.) Second compressed data being

compressed according to a second data compression protocol (second compressed

protocol could be G.723. See Fig. 2 Cave et al.)

the modem 224 in the Cave et al.'s reference does not specifically teach

decompressing second compressed data. . However, Bruno et al. teach

compressor/decompressor could be associated with gateway modem (col 7-8, lines 64-

10, Bruno et al.) The same rationale are applied to claim rejections 9-10 and 23 are

applied to teach the modem 224 could have compressor/decompressor function based

on Cave et al. in view of Heath, and further in view of Brno et al. Thus, the method of

Cave et al., in view of Heath, and further in view of Brno et al., would perform the ·

remainder limitations in the claims 25-26 (Fig. 2 and sec [0017], Cave et al.)

Allowable Subject Matter

16.   Claims 1, 3-4, 6, 14, 16-17, and 19-22 are allowed.

Response to Arguments

17.   Applicant's arguments, see 14-17, filed on 10/21/2005, with respect to the

rejection(s) of claim(s) 1, 3-4, 6, 14, 16-17, and 19-22 under 103 rejection in view of

Cave et al. have been fully considered and are persuasive. Therefore, the rejection has

been withdrawn. Regarding the rejections of claims under 103 rejection in view of Cave

et al., and in view of Fayed, since the CFR 1.78(a)(3) unintentional delay are filed, the

examiner withdraw the rejections under the secondary reference Fayed. However, 103

rejection of Cave et al., in view of Heath are applied to reject the claims 7-8, 11-13, 23-

24, 27-29, 30-32, and 35-37, and Cave et al., in view of Heath, and further in view of

Bruno et al. are applied for claims 9-10, 25-26, and 33-34.

Regarding to arguments on page 16, applicant argues cave teaches that the

same compression protocol (i.e. G.723) is used by the gateway in both transmit and

receive directions for communicating data over the packet network. Cave et al. teach

that for data in G. 711 format, the gateway 224 may translate the data into G.723

compressed format for transmission over packet network or gateway may leave the

data in G.711 format and not change the compression format for transmission over packet network. (See sec [0017], Cave et al.) Therefore, the first protocol can be different from the second protocol.

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Since the new continuation in part has been added in to the specification; thus, this action is made final due to the new ground of specification. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Liou whose telephone number is 571-272-8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou   12/09/2005

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER